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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

ICELAND*

[22 April 1993]

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The Constitution of the Republic of Iceland

* May be consulted in the files of the Secretariat.

PART I. GENERAL OBSERVATIONS

A. Iceland and its people

1. Iceland is an island 103,000 square kilometres in area. About three fourths of the country is over 200 metres in elevation and a large part consists of barren plateau with individual mountains and mountain ranges. Glaciers cover a total of 11,200 square kilometres and cultivated area 1400 square kilometres. The country is mostly populated along the coasts and the central highlands are uninhabited. The population numbers slightly less than 260,000, of which about 50 per cent reside in the capital city of Reykjavik or its vicinity.

A brief overview of Icelandic history

2. Iceland was settled during the last quarter of the ninth Century A.D., mostly from Norway but also from Sweden and Nordic settlements in the British Isles. Probably some Irishmen, including slaves, also were among the settlers, but written sources say little about them.

3. At the time of settlement there was no indigenous population in Iceland. It is possible, however, that some Irish monks were there. The present inhabitants of Iceland are the descendants of the Nordic and Irish settlers. From the twelfth Century until the last few decades there was almost no immigration. The nation is consequently rather homogenous - Caucasian, Icelandic-speaking and overwhelmingly Protestant in religion. People of other racial origins have immigrated to Iceland only during the last 20 to 30 years. In addition, children from all regions of the world have been adopted.

4. It is believed that the first settler came to Iceland in A.D. 874, and that the island was totally settled by about 930. The Althing was established that year where chieftains, the so-called "godar", assembled with their followers. The "godar" were originally 36 in number and 39 later on. Men were free to ally themselves with any "godi" and renounce their allegiance to him if they so chose. Geographical boundaries were not decisive in this respect, at least not until later. The Icelanders therefore enjoyed a form of representative government.

5. At the Althing laws were recited and new laws enacted, legal disputes resolved and judgements rendered. There was, however, no centralized executive power or police authority within the country and consequently each person had to fend for himself with the help of his "godi".

6. Christianity was adopted, peacefully, in 999 or 1000 and the tithe-law was adopted in 1096. The tithe accrued to the church, in some cases indirectly to the lay chieftains, and to the poor.

7. The administrative system of the "godar" enabled one person to accumulate the positions and powers of other "godar". Titles were bought and sold and in this way were concentrated into the hands of a few chieftains, each of whom tried to gain control over the entire country. As central authority was lacking, the chieftains turned to the king of Norway to resolve their disputes and swore their allegiance to him. Eventually, the Icelanders submitted to

the authority of the king under the so-called "Old Pact" concluded in 1264. This was necessary, not only to establish peace but also to ensure communication between Iceland and Europe as the Icelanders no longer possessed seagoing vessels, timber being in short supply.

8. Iceland was under Norwegian rule until 1383 when Danish authority was established in Norway. Iceland remained under Danish rule from that time until the twentieth Century. The Reformation took place in 1550, which greatly enhanced royal authority at the expense of the church.

9. In 1662, Iceland came under the absolute monarchy which had been established in Denmark in the seventeenth Century. This lasted until 1848. Until the time of absolute monarchy the Althing had retained part of its legislative authority but during the eighteenth Century it became solely a judicial body and a forum for proclamations. It was suspended in 1800.

10. The Althing was re-established in 1845 as an advisory body. Soon after that the Icelanders' struggle for independence started. In 1874 the King laid down a constitution concerning matters affecting Iceland, granting the Althing fiscal and legislative powers, subject to Royal approval. In 1904 the Icelanders obtained Home Rule under an Icelandic Minister residing in Iceland.

11. Iceland became an independent sovereign State in a personal union with Denmark in 1918. However, Denmark continued to manage Icelandic foreign affairs on Iceland's behalf. A Republic was formally established on 17 June 1944. The entire struggle for independence took place without bloodshed.

Life expectancy

12. Life expectancy in 1989 to 1990 was 75.1 years for men and 80.3 years for women.

Infant mortality

13. Infant mortality in 1990 was 3.3 per 1000 for boys and 2.1 per 1000 for girls born.

Fertility

14. Fertility in 1990 was 2.31 children for each woman.

Percentage of population younger than 15 and older than 65

15. In 1990 and 1991, 24.71 per cent of the population was younger than 15 (25.16 per cent of males and 24.26 per cent of females); 10.78 per cent of the population was older than 65 (10.14 per cent of males and 11.99 per cent of females).

Urban and rural population

16. In 1990, 90.7 per cent of the population resided in urban areas and 9.3 per cent in rural areas. An urban area was defined as that having more than 200 inhabitants. In 1991, 91.1 per cent resided in urban areas.

Religion

17. In 1991, 92.2 per cent of the population belonged to the National Church (Evangelic Lutheran); 0.99 per cent were Roman Catholics; 4.2 per cent belonged to other Christian congregations; 1.25 per cent belong to other religious or unspecified denominations; and 1.36 per cent were registered as not belonçing to any religious group.

Education

18. Attendance in primary schools is compulsory in Iceland for 10 years for children ages 6 to 16. A large number of students continue studies after compulsory schooling is completed. Non-compulsory secondary education follows primary school and lasts for four years. Primary and secondary education is free. The University of Iceland charges low tuition fees. Students pursuing higher education are entitled to student loans.

B. The economy

Main employment sectors

19. The most important industry is fishing. Sixty per cent of foreign currency income is derived from fish products. The fishing industry accounts for 90 per cent of exports. Agriculture is mainly for domestic needs, and manufacturing is relatively small, slightly exceeding 10 per cent of foreign currency earnings. The importance of services is increasing. Many agricultural and industrial products have to be imported as they cannot be locally produced owing to Iceland's geographical location and its small population.

Mineral and energy resources

20. Iceland is poor in mineral resources. The most important energy sources are geothermal heat and hydroelectric power. Nevertheless, only a small part of the energy has yet been harnessed. The per capita use of geothermal energy is the highest in the world and per capita consumption of electricity is among the world's highest. In 1988, 37 per cent of the energy consumed in Iceland was hydroelectric, 30 per cent geothermal, 30 per cent from petroleum products and 3 per cent from coal.

Per capita gross national product in US dollars

1980	13,887
1981	14,095
1982	12,496
1983	10,596
1984	10,948
1985	11,348
1986	15,203
1987	21,078
1988	22,758
1989	20,235
1990	22,638
1991	24,322

Foreign debt as a proportion of gross national product

1980	33.1%
1981	34.4%
1982	44.2%
1983	53.3%
1984	54.4%
1985	61.8%
1986	54.5%
1987	47.3%
1988	47.9%
1989	55.0%
1990	55.2%
1991	55.5%

Annual inflation

1980	64.7%
1981	41.1%
1982	63.6%
1983	70.8%
1984	23.1%
1985	34.1%
1986	12.8%
1987	26.1%
1988	18.2%
1989	23.7%
1990	7.3%
1991	7.2%

Unemployment

21. Total unemployment during the period 1980-1990 ranged from 0.3 per cent to 1.7 per cent of the labour force. The percentage has varied between years, but generally has been increasing. Unemployment varies greatly by season, region and employment sector. It increased in 1992 and further increase is

predicted, especially in the light of the great decrease in the fishing catch expected in the next few years. Unemployment in Iceland was registered at about 2.5 per cent of the labour force in 1992.

C. Constitutional structure and government

22. Iceland is a Republic with a parliamentary government. The President of the Republic, the members of the Althing and local governments are elected by popular vote at four-year intervals.

1. The Constitution of the Republic

23. The Constitution of Iceland dates from 1944 when constitutional ties with Denmark were finally severed. Many of its provisions are much older, some of them even from 1874 when the first Constitution was adopted. The provisions concerning economic and civil rights are among the oldest.

24. Opinions vary about whether revision of the Constitution, including the civil rights provisions, is necessary. To date only minor changes have been made, including amendments to the organization and procedures of the Althing and various matters concerning elections. This, however, has not prevented continuous legislative amendments to protect and enhance human rights, especially during the past decade, in keeping with the increased awareness of their importance by the Government and the public.

25. The Constitution of Iceland contains provisions protecting persons under arrest, limiting the application of custody on remand, protecting the inviolability of the home and the right of ownership, freedom of enterprise, freedom of the press, freedom of religion, freedom of association and freedom of assembly. The text of these provisions may be seen in the translation of the Constitution contained in the annex to the present report.

26. Article 2 of the Constitution provides for separation of the three principal branches of government. This is now strictly adhered to as regards the judiciary, but legislative and executive authority may overlap in various fields. Thus, the President of the Republic is formally the head of both the legislative and executive branches. His powers are, however, limited in fact, and his role more resembles that of Kings and Queens in the parliamentary monarchies of Scandinavia than that of elected Heads of State in most other countries. With his signature the President ratifies laws passed by the Althing. He has never exercised his veto which would have the effect of submitting an enactment to a referendum. The Constitution expressly provides that the President entrusts his authority to Ministers and is not responsible for executive acts.

27. The Government Ministers are usually from the ranks of the members of the Althing and remain members of the Althing while serving as Ministers. Important bills are usually submitted by Ministers and drafted on their initiative. Thus, they are involved directly with legislation in many ways.

2. Legislative power

28. The legislative power is jointly vested in the Althing and the President of the Republic according to Article 2 of the Constitution. The members of the Althing are 63 in number, popularly elected by secret ballot for a term of four years, representing the country's eight electoral areas. They also serve on various State boards and commissions. The Althing also nominates or elects persons to serve in various positions. Thus, it can be said that the functions of the legislative and executive authorities overlap.

29. Five political parties or groupings were represented in the Althing following elections in 1991. The Independence Party, which is to the right, has 26 members, the Progressive Party, which is a centrist party, is represented by 13 members, and the Social Democratic Party is represented by 10 members. The People's Alliance, a social democratic party which succeeded the communist party, is represented by nine members and the Women's List is represented by five members.

3. The executive power

Ministers

30. The Ministers are the heads of executive authority, each in his own field. The Ministries number 14, but the number of Ministers has been lower, generally around 10, and thus some of the Ministers control more than one Ministry. Certain matters are committed to the Prime Minister by law, but in other respects his role is that of leading the Government. All important matters are discussed at cabinet meetings, and State Council meetings are chaired by the President of the Republic to formally conclude matters. The position of the Prime Minister has been influenced somewhat by the fact that, in the history of the Republic, no single party has obtained a majority in the Althing, and consequently coalition Governments usually have been in power. Minority Governments have only been in power for brief periods of time.

Magistrates

31. Magistrates represent the executive authorities at the district level. The Law on the Separation of Judicial and Executive Power at the District Level, No. 92/1989, which took effect on 1 July 1992, significantly changed the roles and functions of magistrates. The changes in question will be further dealt with in paragraphs 40 to 44 describing the judicial system.

32. The country is divided into 27 districts with one magistrate serving in each area. Their functions include administration of police and customs, collection of State revenues, social security services, civil marriages and the issuance of decrees on separation, child custody decisions, maintenance payments, matters concerning majority, real estate recordings, registration of deaths and various acts concerned with estates upon death, enforcement of judgements, forced sales, notarial functions, absentee ballots, registration of firms and various other associations, settlement of certain private law disputes and issue of various licences, together with some involvement in matters of local government.

33. In Reykjavik, the Commissioner of Police, the Commissioner of Customs and the Magistrate are separate offices. In some of the larger towns there are also separate offices, instead of local magistrates, which collect State and government revenues.

34. Disputes concerning the function of a magistrate can be referred directly to the courts in many cases. Otherwise, such disputes are subject to administrative appeal to the Ministry of Justice. This mainly applies to the decisions of magistrates concerning majority and family law.

Criminal investigation and powers of prosecution

35. The State Criminal Investigation Police (SCIP) investigate all criminal cases in the Greater Reykjavik area. They also assist local police commissioners in other areas, if they so request and the Chief of the SCIP or the Director of Public Prosecutions deems this necessary. In practice, the investigation of all complicated or serious criminal cases is always entrusted to the SCIP. At the police departments where the SCIP is in charge of investigations there are departments which investigate traffic accidents and traffic violations and violations of police ordinances and of the Alcoholic Beverages Act (except for those concerning illegal importation of alcoholic beverages). There is also a separate department at the Reykjavik Police Department which investigates drug violations. Tax and customs authorities usually conduct initial investigations of tax and customs violations.

36. Supreme prosecutorial authority is vested in the Director of Public Prosecutions. This power covers all criminal offences except for violation of the Alcoholic Beverage and Traffic Acts where the magistrates and Commissioner of Police in Reykjavik have jurisdiction to sanction by fines, confiscation or imprisonment. The Director of Public Prosecutions supervises the work of other prosecutors.

Local government

37. Icelandic municipalities numbered 197 on 1 October 1992. Their population ranges from a few thousand to tens of thousands. It is the Government's policy to reduce municipalities by consolidation. The division of responsibility between State and local government is determined by law.

4. The judiciary

38. On 1 July 1992 new and comprehensive legislation concerning legal procedure and judicial organization in the lower courts went into effect, entailing fundamental changes compared to previous legislation. In fact, this involved the most radical changes to the Icelandic court system since the times of the monarchy. The essence of these changes is total separation of administrative and judicial powers.

39. Until 1 July 1992 the magistrates outside Reykjavik held both judicial and administrative authority. This meant inter alia that the same official dealt with criminal cases as both a commissioner of police and presiding as a judge and both resolved disputes regarding the legality of State revenues as well as collected them. This system originated under absolute monarchy when

all branches of government were united in the hands of the King. The attitude of expediency in the sparsely populated Icelandic society prevented a total separation between judicial and administrative authority from being effected earlier. This arrangement was criticized, however, as totally incompatible with the fundamental requirement of securing judicial impartiality.

40. The Law on the Separation of Judicial and Executive Powers at the District Level No. 92/1989 laid the foundation for a changed judicial system. The law established eight district courts, one in each electoral area of the country. These courts have jurisdiction in civil as well as criminal cases, issue bankruptcy decisions and resolve disputes which arise during magistrates' major proceedings. Judicial authorities also resolve all disputes concerning the extent of administrative powers. After 1 July 1992 district court judges perform only judicial functions. The judicial authority previously wielded by magistrates outside Reykjavik has now been transferred to the new district courts.

41. New legislation covering all aspects of legal procedure followed in the wake of the law on the separation of powers and went into effect also on 1 July 1992. The legislation conformed to the new division of responsibilities for magistrates and courts and repealed a multitude of laws which were, in fact, very outdated. The new laws fall under three headings:

Court procedure;
Settlement of estates;
Enforcement proceedings within the responsibility of magistrates.

42. Of the new enactments particularly referred to in discussing the provisions of the Covenant, the Law on Criminal Procedure No. 19/1991 may be mentioned. Various changes have been made to the older legislation, mainly aiming at the improvement and clarification of the accused's legal position. Criminal procedure has now become accusatory in character, whereas the older code of criminal procedure contained many remnants of the inquisitorial procedures of past times.

43. Judgements of the eight district courts may be appealed to the Supreme Court. The only court of appeals is the Supreme Court which has nation-wide jurisdiction. Judgements in criminal cases may be referred to the Supreme Court without any restriction and for appeal of civil judgements there are minor requirements related to the minimum interests at stake.

44. The law on the separation of powers ensures the independence and impartiality of the courts and offers all judges the protection of Article 61 of the Constitution against dismissal from office by an administrative authority.

D. Remedial authority with respect to human rights violations

1. The Courts

45. If an individual believes that his human rights have been violated whether by public authorities or by another individual, he can institute legal proceedings and claim relief before the courts. He can, inter alia, claim

compensatory damages, annulment of libelous or slanderous statements, compensation for non-financial loss and invalidation of administrative decisions if he alleges that his rights have been violated by such decisions. In Iceland there is no separate constitutional court which resolves disputes concerning alleged breaches of constitutionally protected human rights.

46. The courts have considered themselves competent to assess whether laws are in agreement with constitutional provisions despite the fact that such power of review is not expressly mentioned in the Constitution. If the courts resolve that a legal provision conflicts with human rights provisions of the Constitution, they will disregard the provision in their judgement. However, the courts do not have authority formally to invalidate laws, even when they are considered to be in conflict with the Constitution.

2. The administrative authorities

47. Various decisions affecting the rights and duties of individuals are taken by administrative authorities. Where such decisions are made at lower administrative levels, for example by a magistrate, or by a committee or a commission responsible to a Ministry, there is generally an avenue of appeal to a Ministry with the power of final review. There are, however, special provisions relating to certain fields, for example in tax cases, where the tax authorities have the power of final review in appeals concerning the amount of tax. These cannot be referred to a superior administrative authority. Disputes concerning tax liability and tax basis can always be referred to the courts.

48. In recent years Icelandic laws have tended to transfer the power of resolution from the Ministries to a lower administrative level. In this way a possibility of appeal from the lower administrative level to the Ministry is open, and the earlier decision can be reviewed and changed if necessary.

49. According to Article 60 of the Constitution the courts resolve disputes concerning the extent of administrative authority. Administrative decisions may be referred to the courts for invalidation. Despite the fact that the courts cannot review administrative discretion underlying a decision, they are competent to assess whether an administrative authority proceeded lawfully and whether an administrative decision is based on lawful considerations, e.g. whether the principle of equality within the administrative system has been observed and the parties afforded the opportunity of stating their views. If the procedure employed by an administrative authority was defective the courts may invalidate its decision and order the authority to take a new decision on the basis of lawful considerations.

3. The Ombudsman

50. The office of Ombudsman of the Althing was established in 1988. The Ombudsman is elected by the Althing to which he submits an annual report on his activities. Apart from this, he is an independent official. The role of the Ombudsman is to monitor the administrative functions of the State and the municipalities as an agent of the Althing. One of his duties is to secure the rights of the citizens vis-à-vis administrative authorities. The Ombudsman investigates administrative cases following a complaint or on his own

initiative. He is vigilant as to whether laws conflict with the Constitution or are faulty in other respects, including whether they conform to the human rights conventions to which Iceland is a party. He has in his reports called attention to the necessity of revising the human rights provisions of the Constitution. The role of the Ombudsman is described in further detail in the discussion of article 2 of the Covenant.

51. The opinions of the Ombudsman are not binding on administrative authorities, and he cannot invalidate administrative decisions formally. Nevertheless, his opinions carry great weight in calling on the administrative authorities to act according to the opinions, which they do almost without exception.

4. The European Court of Human Rights

52. Iceland is party to the European Convention on Human Rights of 4 November 1950 and has recognized the jurisdiction of the European Court of Human Rights. The European Commission on Human Rights, according to article 25 of the Convention, can receive applications or complaints from any individual, private organization or group that Iceland has violated the rights set out in the Convention. According to article 26 of the Convention all domestic remedies must have been exhausted and, for example, all avenues of appeal pursued and a final decision rendered. The Convention and its effects on Icelandic law will be further described in Section E below.

E. International human rights conventions and Icelandic law

1. Conventions to which Iceland is a party

53. Iceland is a party to numerous United Nations human rights instruments. Iceland is also a party to the Council of Europe conventions relating to human rights. Following are the most important instruments:

Convention on the Prevention and Punishment of the Crime of Genocide, of 9 December 1948;

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, of 7 September 1956;

Convention on the Nationality of Married Women, of 20 February 1957;

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, of 10 December 1962;

International Convention on the Elimination of All Forms of Racial Discrimination, of 7 March 1966;

International Covenant on Economic, Social and Cultural Rights, of 19 December 1966;

International Covenant on Civil and Political Rights, of 19 December 1966, including the two Optional Protocols;

Convention on the Elimination of All Forms of Discrimination against Women, of 18 December 1979;

Various International Labour Organisation Conventions, including the Freedom of Association and Protection of the Rights to Organize Convention, 1948 (No. 87);

European Social Charter of 18 October 1961;

Convention for the Protection of Human Rights and Fundamental Freedoms, of 4 November 1950, including Protocols Nos. 1 to 8 - Iceland has recognized the Jurisdiction of the European Court of Human Rights until 2 September 1994;

Convention 1981 for the Protection of Individuals with Regard to Automatic Processing of Personal Data, of 28 January;

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, of 26 November 1987;

Convention on the Rights of the Child, of 20 November 1989.

2. Implementation of human rights conventions

54. Iceland adheres to the legal doctrine that international treaties do not assume the force of domestic law even if ratified, but rather are only binding according to international law. Human rights conventions have not been incorporated into Icelandic law and consequently they cannot be directly applied by the courts.

55. It is, however, a principle of legal construction that domestic law shall be construed in conformity with international law, but in cases of disagreement domestic law generally takes precedence. It seems, however, that judicial practice of the Supreme Court has changed to some extent during the past few years, giving international instruments added weight. This is mainly the case with regard to the European Convention on Human Rights. The Supreme Court has referred to the Convention in its judgements and thus expressly based its conclusions on those provisions.

56. Icelandic authorities have always considered that domestic law conforms to the conventions they have ratified unless an express reservation has been made to the contrary. For a long time Iceland had an unblemished record with the Court and Commission of Human Rights.

3. European Convention on Human Rights

57. In 1987, the European Commission on Human Rights examined the case of an Icelandic citizen who had been convicted of a traffic violation in district court. On appeal the Supreme Court had upheld the conviction. In accordance with the procedures in effect at the time, his case had been heard and adjudicated by the town magistrate's deputy (on 1 July 1992 the title of town magistrate was abolished, being replaced by the title of magistrate). The deputy was responsible to the town magistrate who was also in charge of the

police. An application was lodged with the Commission alleging that the case of the accused had not been heard by an impartial judge in the lower instance, thus violating article 6 of the Convention. The Commission concluded that the case was admissible, thus strongly suggesting that the procedure in question violated the Convention. The same year preparations commenced in Iceland for new legislation intended to change radically the judicial organization. In 1989 the Commission concluded that the judicial organization then in effect violated article 6 of the Convention. The case was referred to the European Court of Human Rights, and, at the end of 1989, a settlement was effected between Iceland and the applicant providing him compensation.

58. In 1990, the Supreme Court decided in a similar case, taking, inter alia, into account the conclusion of the European Commission on Human Rights, that a town magistrate's (police commissioner's) deputy should have withdrawn from a criminal case as lacking competence since he had served both as deputy of the police commissioner and the judge. Immediately after this decision a law was passed appointing special district court judges everywhere in Iceland in order to provide a provisional solution until 1 July 1992 when the new judicial organization would become effective.

59. There is no doubt that the decision to draft changes to legal procedures and the fact that they have now become a reality owe a great deal to the European Convention on Human Rights and the imminent action before the European Court of Human Rights.

60. Applications to the European Commission on Human Rights have increased in number during the past few years. The first judgment of the European Court of Human Rights in a case against Iceland was rendered in June 1992. The Court held that a criminal sentence for allegations against policemen was unnecessary in a democratic society and incompatible with the provision of the Convention concerning freedom of expression. The Minister of Justice immediately appointed a committee to investigate whether the relevant domestic laws had to be changed and whether incorporation of the Convention in its entirety into Icelandic law was advisable. The committee will probably conclude its activities before the end of this year.

61. In July 1992, the Commission decided to refer a case against Iceland concerning freedom of association to the European Court of Human Rights. The Commission concluded that legislation under which licenses for operating a taxi cab were conditional on membership in a certain trade union violated article 11 of the European Convention on Human Rights. Previously the Supreme Court had ruled that the legislation did not conflict with the Constitution.

4. Information and publications on human rights

62. The Government authorities have not instituted special programmes for the dissemination of information on human rights. It is safe to assume, however, that the public consciousness as regards human rights has been awakened and that interest in human rights has increased in light of the influence of the European Convention on Human Rights. The changes to legal procedures on 1 July 1992 and the extensive media coverage of Icelandic cases recently adjudicated or docketed for hearing by the European Court of Human Rights may be especially mentioned in this context.

63. The European Convention on Human Rights is published in its entirety in Iceland's most recent local law collection from 1990 and has also been printed separately in the form of a booklet available free of charge at the Ministry of Justice. International conventions on human rights ratified by Iceland are published in Division C of Iceland's Law Gazette. All laws are published in Division A of the Law Gazette and most administrative orders such as regulations are published in Division B of the Gazette.

64. Announcements concerning ratification of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights were published in Division C of the Law Gazette No. 10/1979. The entire texts of both Covenants are published there both in Icelandic and English. An announcement concerning the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights was published in Division C of the Law Gazette No. 11/1991. Further publication of the two Covenants has not taken place, nor have their texts been especially introduced to the public such as by distribution to the media.

65. In the discussion of the individual articles of the Covenant, in Part II of the present report, citations will be made to the provisions of the European Convention on Human Rights and Icelandic law as appropriate. There is no doubt that Icelandic courts interpret Icelandic law in conformity with the European Convention on Human Rights. Recent court rulings demonstrate this clearly.

66. Despite little formalized effort to disseminate information on human rights to the public, Icelanders have always been conscious of certain fields of human rights. Of these women's rights, freedom of expression and the right of ownership deserve special mention. Many people are familiar with the relevant provisions of the Constitution.

PART II. INFORMATION RELATING TO INDIVIDUAL PROVISIONS OF PARTS I, II AND III OF THE COVENANT

Article 1

Paragraph 1

67. The Icelanders are a single nation inhabiting a clearly defined area, all speaking the same language without any significant dialect differences and sharing the same cultural heritage.

68. In 1944, the nation voted on establishing a Republic and severing the ties with Denmark and approved the Constitution almost unanimously. The nation's right of self-determination is secured by free and direct election of the President of the Republic, members of the Althing and local authorities at intervals of four years. All Icelandic citizens having reached the age of 18 and legally domiciled in Iceland are entitled to vote.

Paragraph 2

69. Iceland has a mixed economy and supports the free market system. Iceland is a member of the European Free Trade Association (EFTA) and has ratified the Agreement on the European Economic Area (EEA), which is scheduled to enter into force in 1993.

70. Some natural resources, such as the marine resources within the exclusive economic zone of Iceland, have been declared the property of the Icelandic nation (cf. Arts. 1 and 2 of the Law on Fisheries Management No. 38/1990). Foreign parties are not allowed to fish within the exclusive economic zone of Iceland except by special permission granted by the State, nor may they operate a fish processing business or own, directly or indirectly, a part in an Icelandic fishing industry business (cf. Art. 4 (1) and (2) of Law No. 34/1991 on Foreign Investment in Industry).

71. Only Icelandic parties may possess the right to harness hydroelectric or geothermal power in excess of private domestic needs (cf. Art. 4 (3) of the Law on Foreign Investments). Foreigners until now have not been allowed to own real property in Iceland except with the permission of the Ministry of Justice, but this will have to be changed (cf. Law No. 19/1966). This must be done before the EEA Agreement enters into force, in order to prevent discrimination against nationals of other EEA member States on the basis of nationality.

Paragraph 3

72. Iceland possesses no colonies. Iceland is not responsible for the government of any Non-Self-Governing or Trust Territories.

73. Iceland supported the independence of Namibia and sanctions against South Africa because of that country's policy of apartheid. Iceland supports the Israeli-Palestinian peace talks. Iceland has endorsed criticism of Israel for human rights violations committed in the territories occupied by that country.

Article 2

Paragraphs 1 and 2

74. There are no provisions in Icelandic law permitting discrimination or unreasonable or unjustifiable distinction with regard to civil or political rights on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 78 of the Constitution provides that privileges tied to nobility, titles and rank may never be enacted.

75. Generally, it is not stated in legislation that persons possess certain rights or duties without regard to factors such as those mentioned. Article 48, paragraph 3, of the Law on Basic Schools states, however, that the objectives of study and tuition and the procedures employed in primary schools shall be such as to prevent discrimination based on origin, sex, residence, social class, religion or physical disability.

76. Members of the Althing enjoy, however, added protection against arrest, custody on remand and criminal action during periods when the Althing is assembled, unless found in flagrante delicto. Particular provisions to the same effect are found in the Law on Criminal Procedure No. 19/1991. The Althing may waive this protection. This constitutional provision has its historical origins in the need to protect the Althing against interference on the part of the King. It has been used once, when in 1989 the Althing waived the immunity of a Member against a lawsuit in a criminal case.

77. The President of the Republic cannot be prosecuted on a criminal charge except with the consent of the Althing (cf. Art. 11, para. 2 of the Constitution). This provision has never been invoked.

78. Only the Althing can impeach Ministers of the Government for acts done in the discharge of their official duties; in such cases a separate judicial body, the Landsdómur (Court of Impeachment), has jurisdiction under Article 14 of the Constitution. The Court of Impeachment has never assembled.

79. In some cases women enjoy greater rights than men, and positive discrimination in favour of women is sometimes allowed, as described in further detail below in connection with article 3 of the Covenant.

80. According to the Convention on a Common Nordic Labour Market of 6 March 1982 nationals of the Nordic countries do not require a permit to work in Iceland.

81. The EEA Agreement, which is expected to enter into force in 1993, has provisions granting freedom of movement and right of establishment to the nationals of all the member States.

82. It is forbidden to engage foreigners for work on terms inferior to those provided for in domestic labour agreements (cf. Art. 3, para. 2 (2) of Law No. 26/1982 on Aliens' Right to Work).

83. As described in connection with article 1 of the Covenant, the right of foreign parties to own businesses in the fishing industry sector or to own power resources has been significantly limited in order to ensure continued Icelandic control of the nation's resources.

84. Visas for a stay in Iceland not exceeding three months and permits to stay and work in Iceland are granted to foreigners in accordance with the Law on Regulation of Aliens No. 45/1965 and the Law on Aliens' Right to Work No. 26/1982, which apply to everyone without regard to race, sex or comparable factors. Exemptions from visa requirements or requirements for permits for stay and work apply to the nationals of certain countries. These are based on specific international agreements.

85. During the past few years marriages between Icelandic men and foreign women, including women from developing countries desiring to avoid poverty at home, have become increasingly frequent. There are instances of their having been subjected to mental cruelty or physical violence on the part of their husbands, and that they have lacked information or been provided with incorrect information concerning their legal status in Iceland. They frequently know little or no Icelandic and tend to become isolated within their homes. The Ministry of Social Affairs has therefore published a booklet in some foreign languages in order to inform them of their legal status, which in so far as these matters are concerned is the same as that of Icelandic women.

86. It can be seen from the judicial precedents of the Supreme Court of Iceland that if people are unlawfully or unreasonably discriminated against by administrative authorities, inter alia, on the basis of distinctions such as those enumerated in article 2, paragraph 2, their decisions or actions would be declared unlawful or even an abuse of power. The unwritten principle of equality within the administrative field has been confirmed by the Supreme Court many times.

87. The Althing has in its legislation, for example in Law No. 13/1987 on the Ombudsman of the Althing, recognized the principle of equality, but not enacted it expressly. No comprehensive law on administrative procedure has been enacted, but individual procedural requirements are frequently found in special laws, where even detailed rules of procedure may be set forth. A draft Law on administrative procedure was submitted to the Althing in 1992, but was not enacted.

88. The courts may invalidate unlawful decisions taken by administrative authorities, and compensation shall be made for loss caused by unlawful procedure. The principles of liability for damages not due to breach of contract generally apply to administrative authorities as to other parties. To this there are individual exceptions which are, however, outside the scope of the Covenant.

89. If an administrative authority violates a law, the State Treasury or a municipal treasury, as the case may be, may be liable for damages.

90. The Law on Criminal Procedure includes clear and detailed provisions governing compensation for unlawful arrest or other investigative measures taken by the police.

91. In Iceland there are no courts with exclusive jurisdiction in constitutional or administrative matters. The general courts are competent to resolve issues relating to the legality of administrative decisions and to the constitutional validity of legislation (cf. Art. 60 of the Constitution).

92. There are cases where litigation based on a breach of a principle of equality, such as expressed in article 3 of the Covenant, has been successful. This relates to employment discrimination on the basis of sex, and damages were awarded to compensate for the loss sustained.

93. The office of the Ombudsman of the Althing was instituted by Law No. 13/1987. The Ombudsman is elected by the Althing, and can be removed from office by a two-thirds majority of the Althing. The Ombudsman does not, however, accept instructions from the Althing or any other party (cf. Arts. 1 and 4 of the Law).

94. The role of the Ombudsman is to monitor the exercise of administrative powers by the State and the municipalities, to the extent to which their decisions can be referred to the central authorities. He shall ensure furthermore that the rights of citizens vis-à-vis the authorities are observed and that administration is in other respects exercised according to law and good administrative practice. The Ombudsman is also to notify the Althing, the relevant Minister of the Government or the relevant municipal authorities if he considers that law or general administrative provisions in effect are defective (cf. Art. 11). This does not only refer to administrative provisions being in conflict with law or lacking support in law, or that enactments conflict with constitutional provisions, but also to laws being in conflict with international agreements, especially human rights agreements. Anyone considering that he has suffered injustice at the hands of an administrative authority may lodge a complaint in writing with the Ombudsman. The Ombudsman may also concern himself with a matter on his own initiative (cf. Art. 5).

95. In his work, the Ombudsman has extensive access to administrative data. The approval of a Minister is only necessary in cases involving national security or foreign affairs (cf. Art. 7).

96. If the Ombudsman considers that a violation of law has taken place he supplies the parties concerned with his conclusions, which he also may publish, if he considers this advisable. In case he deems that a criminal offence has been committed he shall notify the proper authorities (cf. Arts. 10 and 12).

97. Each year the Ombudsman presents a report to the Althing on his activities. He may also issue a special report on serious cases (cf. Art. 12). In the Report for 1991, he stated that administrative authorities generally took account of his criticism and indications. Opinions of the Ombudsman, as they have expressed criticism of administrative procedures and methods, frequently provide an occasion for public discussion.

98. Complaints to the Ombudsman have greatly increased in number since the office was established in 1988, as shown in the following table:

Year	Number of Complaints	Cases Investigated on the Initiative of the Ombudsman
1988	67	3
1989	150	4
1990	151	1
1991	168	2

99. The Ministry of Justice has conducted some preparatory work in order to provide the public with free legal assistance. Now such service is only provided by law students, and it is uncertain whether or when the plans of the Ministry of Justice will be carried out. Many practising lawyers, however, provide such assistance on humanitarian grounds.

Article 3

100. In 1992 the President of the Republic, the President of the Supreme Court and the Speaker of the Althing were women. This demonstrates that in Iceland it is possible for women to reach the highest offices, despite the fact that an equal ratio of men and women in the highest offices and positions in the public sector is still a considerable distance away.

101. Of the 63 principal members of the Althing there are, following the elections of 1991, 15 women, or 24 per cent of the Members. One of the ten Government Ministers is a woman. One of the eight judges of the Supreme Court is a woman. The ratio of women to men in the country's municipal governments following the municipal elections of 1990 was 22 per cent in rural areas, and 31.5 per cent in urban areas. In the municipal government of the city of Reykjavik there are 15 members, 8 men and 7 women.

102. In 1990 the ratio of women to men in committees, commissions and boards within the public sector was 16.6 per cent, and this percentage had increased from 11 per cent in two years. In 1987 the percentage of women in management positions within the Ministries was 32 per cent, having risen from 25 per cent in 1985. Within public institutions this ratio was 26 per cent in 1987 and 13 per cent in 1985. Women most commonly work in lower or mid-level management positions.

History of women's rights

103. In 1909, women acquired the right to vote and eligibility for office within municipal governments generally; this right had been granted to women two years earlier in the towns of Reykjavik and Akureyri. In 1915 women having reached 40 years of age obtained the right to vote in elections to the Althing and eligibility for membership of the Althing. The age requirement was reduced to 25 years five years later, this being the same as for men.

104. In 1911, a law was enacted ensuring for women the freedom of access to institutions of learning, the right to obtain study grants and the right to be commissioned to public office. It was expressly stated that women were to enjoy the same remuneration for their work as men. Female teachers obtained the right to equal pay in 1912 and in 1945 a special provision of law concerning the remuneration of women in government service was repealed. In 1961, a Law was enacted providing for equal pay for men and women in private industry, which goal was to have been reached in 1967. As this was not completely successful the Equal Remuneration Council was established in 1973. The Law in respect of Equal Status for Men and Women was enacted in 1976, at which time the Equal Rights Council replaced the Equal Remuneration Council.

105. Iceland is party to the Convention on the Elimination of All Forms of Discrimination against Women, of 18 December 1979.

The Women's List

106. In order to increase political participation of women, a political organization, the Women's List, was formed. The List first took part in elections in some of the larger urban municipalities in the 1982 municipal elections, and in elections to the Althing during the following year. In 1991 the List took part in the elections in all electoral areas, and five of its representatives were voted to the Althing.

Equal rights legislation

107. The Equal Status Law of 1976 has been revised twice, and the present Law dates from 1991. The objective of the present one, Law No. 28/1991 on Equal Status and Equal Rights of Women and Men, is to secure equal rights of men and women generally, and not only as regards remuneration for work.

108. The Equal Rights Council consists of seven members, nominated by various parties. The Council has the role of ensuring the implementation of the Equal Rights Law, and to form the policies adopted by the authorities in matters concerning equal rights of women. The Council provides counsel to the authorities and to public institutions, and may on its own accord take special provisional measures in order to promote the rights of women. The Council is furthermore to perform research within the scope of the Equal Rights Law, and to disseminate information (cf. Arts. 15 and 16 of the Law).

109. In each municipality of 500 or more inhabitants equal rights committees shall be instituted to provide counsel to the municipal governments (cf. Art. 13 of the Law).

Employment

110. Men and women shall receive equal pay and enjoy the same employment terms for work of equal value and the same nature (cf. Art. 4 of the Law).

111. It is forbidden for employers to discriminate in any way between their employees on the basis of their sex, such as in employment advertisements, hiring, training, promotions, or wages or other employment terms. If a complaint is lodged against an employer on account of an alleged violation of the Equal Rights Law the burden of proof is reversed, and thus he must demonstrate to the Equal Rights Complaints Committee that his decision was based on other considerations (cf. Art. 6 of the Law).

112. The Minister of Social Affairs shall appoint three lawyers to serve on the Equal Rights Complaints Committee, who receive and investigate indications concerning violations of the Law. If the Committee consider that a violation has taken place they will forward an argumented request for remedy to the party concerned. If this goes unheeded the Committee may enter into legal action, in consultation with the complainant, in order to have his right recognized. The party responsible may be adjudged to pay compensation for financial as well as non-financial loss (cf. Arts. 19 to 22 of the Law).

Affirmative action to enhance equality

113. The Minister of Social Affairs shall submit to the Althing a four year implementation plan in the field of equal rights, which is to be revised at intervals of two years (cf. Art. 17 of the Law).

114. The objective shall be to achieve as nearly as possible an equal ratio of women to men in committees, commissions and boards within the public sector, both State and municipal, and in private organizations. This shall always be mentioned when seeking nomination for persons to serve with such bodies (cf. Art. 12 of the Law).

115. In order to promote a more equal distribution between the sexes equal rights provisions may be deviated from when advertising for employees for work in particular sectors. This shall be expressly stated in such advertisements (cf. Art. 7 para 2 of the Law).

116. Despite the fact that any discrimination on the basis of sex is unlawful, certain provisional measures designed to improve the status of women and promote equality and equal status of women are not regarded as being in conflict with the Law. Rights enjoyed by women in connection with pregnancy and childbirth are not viewed as discrimination (cf. Art. 3 of the Law).

Education

117. Discrimination between the sexes in pedagogic institutions and schools, as regards studies, work, procedures and daily interrelations, is forbidden. As regards vocational guidance, vocations traditionally regarded as men's or women's vocations shall be introduced to both sexes equally. Active education on equal rights shall be provided at all stages. Special care shall be taken that textbooks fulfil equal rights requirements (cf. Art. 10 of the Law).

Advertisements

118. A person advertising, or preparing or publishing advertisements, shall make certain that advertisements are not dishonourable or humiliating to either sex, or in any way in conflict with the equal status and equal rights of the sexes (cf. Art. 11 of the Law).

Women's status on the labour market

119. Women's participation in business and industry has increased from 33 per cent in 1960 to 82 per cent in 1986, when 42 per cent of women were fully employed. Women are in the majority in commercial and services sectors, but within these fields they only form a small minority as managers and experts. The majority of women on the labour market in 1986 were unskilled workers, service personnel or clerks. Traditionally women's work, such as care of children or patients, is paid less than traditionally men's work.

120. In 1958 Iceland ratified the International Labour Organisation (ILO) Convention No. 100 of 29 June 1951 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.

121. For a long time the law has provided for equal pay for men and women. In 1986 the pay of fully employed women was 61 per cent of men's pay. Fully employed women were deemed to constitute 38 per cent of the labour force, but their income was about 27.5 per cent of total remuneration to employees. The pay received by fully employed women with university education averaged 75 per cent of mens' pay.

122. This difference is mostly explained by the fact that men work longer hours and do more overtime than women, who more often have greater responsibilities at home. Lower hourly pay is only a part of the explanation.

Women's education

123. In secondary schools girls have, since 1977, been more numerous than boys. Girls are in the majority in language studies, social sciences and health care, but boys predominate in empirical science and sports studies. Thus sex influences, to a degree, the choice of curriculum.

124. The same is the case in universities. Certain studies are almost exclusively pursued by women, such as librarian studies, nursing or physiotherapy, while few women study engineering, technology or empirical sciences.

125. Since 1986 the majority of students registered at the University of Iceland have been women. During the school year 1991-1992 55.4 per cent of the University's students were women. About one half of law and medical students, and about one third of the business administration students, were women. There is an increase in the number of women theological students and the number of women members of the clergy has increased greatly in recent years. These professions were previously regarded as traditionally men's professions.

Equality among married couples

126. Equal obligations and equal rights of married couples are a guiding principle of the Law on Couples' Rights and Obligations No. 20/1923. According to Articles 2 to 6 of the Law, husband and wife are mutually obliged to provide for each other's support, but subject to what the interests of the family may dictate, each of them is in charge of his or her own property. Thus, according to Article 20, a married owner of real property may not dispose of such property where the family lives, except with the spouse's approval. According to Article 18, each spouse has a claim to one half of the other's net assets when assets of married persons are being distributed between them.

127. Article 12 of the Law discriminates between couples for the benefit of the wife. The Article provides that a husband may be bound by an agreement concluded by his wife on behalf of both of them, in order to meet her personal needs. There is no similar provision which relates to the husband by reason of his personal needs. Articles 26 and 27 of the Law provide for a more limited liability on the part of the wife for certain financial obligations for which they are both liable. These provisions derive from the time when women seldom acquired income from work outside the home.

Custody of children

128. According to Article 30, paragraph 1, of the Law on Children No. 20/1992, married couples and cohabiting persons have joint custody of their children, if a different arrangement is not prescribed by law. The Law generally does not prescribe to which parent custody shall be granted. However, in the absence of a decision specifying a different arrangement the mother shall, according to Article 30, paragraph 2, of the Law, have custody of a child born out of wedlock when the parents are not cohabiting.

129. Despite the fact that equality of parents has been for a long time provided for under law, in practice it is much more uncommon for custody to be granted to a father on divorce. There seems to be a strong tendency to grant custody to a father only if he establishes that the mother is unfit for custody.

Citizenship upon marriage

130. Marriage does not affect citizenship unless approved by the person in question. Icelandic citizenship is only lost if an Icelander becomes a citizen of a foreign State according to his own application or express approval, or is granted foreign citizenship when entering into the service of a foreign State, as specified in the Law on Icelandic Citizenship No. 100/1952, Article 7.

131. Foreign nationals do not automatically become Icelandic citizens when marrying Icelandic citizens. In such cases citizenship is granted upon application. The residence requirements laid down in such cases is, however,

shorter than that laid down with regard to other applicants. As provided for in Article 6 of the Law and Article 68 of the Constitution, citizenship is granted in each case by a special enactment of the Althing.

132. Iceland is a party to the Convention on the Nationality of Married Women, of 20 February 1957.

Sexual offences

133. The provisions of the General Penal Code on sexual offences were modernized in 1992, and now they do not make a distinction between men and women.

Article 4

134. The Constitution has no provisions on general emergency or on measures that may be taken under such circumstances. Theoretical jurisprudence has assumed the existence of an unwritten principle to the effect that emergency may justify derogation from constitutional or statutory provisions. When taking over the powers of the King during the Second World War, after Denmark had been occupied by Germany, the Icelanders based their actions on such emergency considerations. The Constitution was at that time largely identical to the Constitution adopted when Iceland became a Republic in 1944. An emergency situation has not developed since the founding of the Republic, and no measures derogating from constitutional or statutory provisions have been taken for such reasons.

Article 5

135. The general principle of legal construction provides that laws shall be construed in conformity with their wording, if a restrictive or a broad construction is not recommended by the purpose of an enactment or with regard to other accepted considerations governing legal construction. This applies equally to domestic and international law.

136. It is therefore impossible to justify violation of human rights by restrictive interpretation of, or contrary inference from, any provision of the Covenant.

137. Since Iceland became party to the Covenant, fundamental human rights have not been infringed on the pretext that such rights are not protected by the Covenant or other human rights instruments.

Articles 6 to 11

138. See document E/1990/5/Add.6.

Article 12

139. Icelandic law conforms to the principal objective of article 12. According to the Law on Public Health No. 97/1990, Article 1, all Icelanders are entitled to the best health service that can be provided at any particular time for the protection of the mental, physical and social aspects of health.

Health services cover any health care, health control, medical examinations, cure and nursing in hospitals, medical rehabilitation, dentistry, and transport of patients. All residents are covered by public health insurance. About 93 per cent of total medical costs are paid from public funds. In 1991 total health spending amounted to 8.4 per cent of GDP. Total employment in the health care sector accounts for 6.5 per cent of total employment.

140. As regards special measures according to paragraph 2 for assuring the right to the highest attainable standard of health, it should be noted that according to the Law on Public Health Service, health care is the foundation of health service. Special services and hospital services shall be provided when necessary. According to Article 19 of the Law, health care centres shall provide general medical services, nursing, physiotherapy, occupational therapy, patient watches, visits, transport of patients, medical tests, specialist medical services, dental services, medical rehabilitation, home nursing, and health protection. The main branches of health protection are:

Health education for preventive purposes;
Health care for mothers;
Infant and child health care;
Health care in schools;
Immunological measures;
Prevention of tuberculosis;
Prevention of venereal diseases;
Mental health protection;
Measures against alcohol, tobacco and drug abuse;
Eyesight protection;
Audiological protection;
Gerontological health care;
Group medical examinations and epidemiological searches;
Social counselling, including family and parent counselling;
Environmental health care;
Occupational diseases;
Prevention of accidents.

Article 13

1. Realization of everyone's right to education

141. In 1907, the Icelandic Government began to concern itself with national educational matters. Compulsory education for children aged 10 to 14 was recommended along with classes in certain subjects proscribed by legislation. All children aged 10 to 14 should receive free education. It is thought that the majority of Icelanders were literate at the start of the nineteenth century.

(a) Free compulsory education available to all

142. Law No. 49/1991 on Basic Schools has as one of its principal objectives equal opportunity for education for all. By law the State and municipal governments must provide schooling for children aged 6 to 16 (Article 1), and children in that age group must attend school.

143. All compulsory education is free. Instruction and all educational materials are provided free of charge in public schools. Moreover the State and municipalities must bear all schooling expenses arising out needs for housing and transportation between home and school. Students in grades 1 to 7 (aged 6 to 12) attend school on their own if they live within walking distance of school, or they are driven daily to and from school (Article 4).

144. As the population of Iceland is widely disbursed, transporting school children in less populated districts can become a major expense. In these districts students also receive meals at school. In the least populated districts students in the highest grades have to attend boarding schools or reside with local families near the school.

145. If students require special education because of learning problems, psychological or social difficulties and/or a handicap, the law entitles them to remedial teaching (Article 54, cf. Part VIII). Besides this law, there are regulations on special education (No. 106/1992), counselling and psychiatric service (No. 21/1980) and educational specialists (No. 57/1990) as well as Law No. 48/1991 on Preschools and Law No. 41/1983 on Matters concerning the Handicapped. The main goal of the latter Law is to enable handicapped children to attend regular schools and various special schools.

146. All children attending basic school in Iceland have the same right to education regardless of colour, nationality or religion. Schools with foreign students, immigrants or Icelandic children who have resided at length in other countries receive additional budget allocations to pay for special instruction in Icelandic.

147. Students aged 6 to 16 who are hospitalized for long periods receive schooling in the hospital.

(b) Availability and accessibility of secondary education

148. Law No. 57/1988 on Intermediate Schools governs secondary education that lasts from the completion of compulsory education (aged 16) until university. There are a variety of intermediate schools: gymnasia, high schools, trade schools and various specialized intermediate schools. Everyone who has completed basic schooling or is aged 18 is entitled to attend intermediate schools (Article 16). Student applicants must fulfil any requirements for on-the-job training that an intermediate school sets.

149. The Intermediate Schools Law states a three-fold purpose for intermediate schooling: (a) to prepare students to live and work in a democratic society by fostering education and maturity appropriate for all; (b) to prepare students for work in the economy through curricula that license graduates in a trade; and (c) to prepare students for special schools and university by exposing them to knowledge and training in working methods.

150. Courses available and praxis in intermediate schools must be sufficient to enable students to choose the courses and instruction that best suit their wishes, needs and level of maturity. To this end the intermediate schools must provide courses varying in length, both academic and practical, that can be taught either exclusively at school or both at school and in the employment

sector. Handicapped students usually attend classes with other students but have the right to receive special support and instruction as appropriate (Article 30). The curricula are divided into required courses and electives. Students should be able to change majors.

151. Intermediate education includes some specialized schools that may require special preparation. Examples include agricultural school, navigation school, machinists' school, fish processing school, gardening school, physical education teachers' school, pre-school teachers' school, music school and art school.

152. Most intermediate schools are run by the Government. Courses, therefore, are nearly without cost for students. The State Treasury pays operating expenses and all salaries. Students may have to pay a registration fee, the cost of materials and a fee for the student activities fund; and they must see to their books and educational supplies.

(c) Accessibility of higher education

153. No single law governs university-level education in Iceland as a whole. However, each institution of higher education has its own controlling law. Law No. 131/1990 was enacted for the University of Iceland. It was, until just recently, the only university in the country. All students who have graduated from Icelandic intermediate schools have the right to enrol in the University of Iceland. Others may also qualify for admission if they have graduated from comparable schools in other countries or completed some other Icelandic certificate that is deemed sufficient. Other entrance requirements, as appropriate, govern admission to other institutions of higher education.

154. The State Treasury pays salaries and a large share of operating costs for institutions of higher education. Students have to pay an entrance fee of about US$ 400. The fee is somewhat higher in other institutions of higher learning. The Icelandic Student Loan Fund grants Icelandic students educational loans that enable any student to pay the cost of his education and his and his family's living expenses during studies (cf. Law No. 21/1992). The Student Loan Fund's purpose, according to the law, is to ensure university students an opportunity for education regardless of their economic situation (Article 1).

155. Students from rural areas have priority for student housing.

(d) Basic education for drop-outs

156. All children of school age are required to attend and complete 10 years of basic schooling (cf. Law No. 49/1991 on Basic Schools, Part VII). Children with special needs have the right to appropriate schooling. A student may not work while in school if the job interferes with studies. There is no provision in law for basic schooling for adults. No information is available on the 5 per cent who are thought to be basic school drop-outs, but it is probable that a part of them move abroad and continue their education there. Also some children are so handicapped that they cannot complete a normal

curriculum. According to Law No. 57/1988 on Intermediate Schools, Part IV, intermediate schools may admit students, aged 18, to special education classes even though they do not fulfil the normal admission requirements of having completed basic schooling or acquired a comparable level of education.

157. Intermediate schools may also offer special courses, including evening classes for people who find it inconvenient to attend regular classes but want to complete an intermediate school curriculum. For such classes students have to pay a fee amounting to about a third of the teacher's salary. The first evening classes were instituted in 1972 at the Hamrahlid Gymnasium, but now many intermediate schools offer such courses.

158. In addition there are many other types of adult education and continuing education in Iceland. The Institute for Continuing Education, attached to the University of Iceland, offers a wide variety of tuition courses. Some adult education is heavily subsidized by municipalities, e.g. the Program for Adult Education in Reykjavik. Labour unions sponsor continuing education and correspondence schools around the country. A committee on tele-teaching (via radio, television and computer net) works under the auspices of the Ministry of Education.

159. Government appropriations support adult education.

2. Obstacles to education, goals and bench-marks to overcome them

160. The appropriation for special education as a whole and for Icelandic for foreign school children is approximately 20 per cent of the total Government budget for basic schools. It is not always possible to accommodate handicapped students in neighbourhood schools. There are fewer psychologists in rural areas than regulations require.

161. Many basic schools still run double sessions (morning and afternoon) to accommodate all students.

162. More courses of study are needed in intermediate schools, particularly for apprenticing trades, before all students can receive an education that suits them. A one- or two-semester course is being prepared in conjunction with public or private employment. Also in development are two- or three-year work-study programmes. The number of rural intermediate schools has greatly increased in the last two decades, but ways to improve rural education are being sought, e.g. tele-teaching. Special courses of instruction are also offered.

163. Because of Iceland's small, dispersed population, there was for a long time only one university in Iceland. Although it is desirable to provide university-level instruction outside Reykjavik, it is difficult to do so. Still, higher education has increased somewhat recently.

164. The State Treasury's finances restrict goals on all educational levels. At this time Government finances are tightly controlled.

165. The Minister of Education is an elected official. Political policies and goals for education may shift with a change of Government.

3. Statistics on education

166. Illiteracy is deemed non-existent in Iceland. Nevertheless there seems to be some reason to study just how literate children about to finish basic school are, and a survey of literacy at that age has been initiated. Iceland is a party to the United Nations campaign to ensure literacy for all by the year 2000. By law, students with reading difficulties shall receive special remedial instruction (cf. Law No. 49/1991 on Basic Schools and Regulations on Special Education No. 98/1990).

167. All children aged six, including those in rural areas, start school. No reliable figures exist on how many do not complete basic schooling, but 5 per cent of each class are estimated to drop out of basic school for some reason.

168. In 1991 about 15,000 students attended intermediate schools. Approximately 80 per cent of those completing compulsory education continue on to intermediate school and of all 19-year-olds about 53 per cent are still in school. There are no figures on how many do not continue on to intermediate school right after basic school, but do start sometime later. The number of intermediate school students has greatly increased in recent years. This change became particularly apparent after a requirement for minimum basic school grades was abolished. About 40 per cent of students graduate every year with the right to enrol in a university (47 per cent of women students and 34 per cent of male students). About 20 per cent graduate with a journeyman's certificate (10 per cent are women, 90 per cent men). A small percentage graduate with other occupational licenses. A high percentage of students beginning an academic curriculum in intermediate schools quit after the first term (19 per cent). It is believed that one reason for this is that many students cannot decide what their long-term objectives are or do not find an appealing curriculum and choose, therefore, an academic track.

169. Approximately 30 per cent of adult Icelanders attended courses in adult education in 1989. Of those about half were job-related courses. About 2000 adults are attending evening classes for intermediate schooling. There are no figures on how many graduate from night school.

170. Of each class about 25 per cent continue on to university. From 8,000 to 9,000 Icelandic students attend institutions of higher education, about 2,000 of them abroad. Every year about 800 graduate from a university in Iceland, while 300 to 400 graduate from foreign universities. It is thought that 20 to 30 Icelanders complete doctorates at foreign universities each year. At the University of Iceland about half the students earn degrees. Over half of those who do not earn degrees take up another educational programme in Iceland or abroad. At other institutions of higher learning where there are special entrance requirements most students complete their programmes.

171. At the University of Iceland approximately 57 per cent of students are women. The drop-out rate for women is similar to that for men. At the Iceland Teachers' Training College 80 to 90 per cent of students are women, while at the Technical College of Iceland about 20 per cent of students are women. Women comprise 30 per cent of students at the Agricultural College in

Hvanneyri. At other institutions of higher learning about 50 per cent of students are women. Overall, women account for about 55 per cent and men 45 per cent of students at institutions of higher learning.

4. Government appropriations for education

172. School appropriations are approximately 15 per cent of the national budget, or about 4.5 per cent of the national product; 73 per cent of the appropriations are allocated for school operations (approximately 40 per cent for basic schools, 28 per cent for intermediate schools and 32 per cent for higher education), 10 per cent for school construction and 17 per cent for student loans. The municipalities contribute additional funds totalling 20 to 25 per cent of the operations budget and 40 per cent of the construction budget for intermediate schools.

173. The country is split into eight school districts. The school system has already been described in answers to previous questions. Law No. 55/1974 treats the school system generally. It has three levels: basic compulsory schools (aged 6 to 15), intermediate schools (aged 16 to 19) and university level (for ages 20 and up). Recently Law No. 48/1991 on Preschools was enacted. All children of preschool age should be able to attend preschool, if their parents so request. However, current preschool facilities in no way meet current demand. Students attending basic, intermediate and university-level schools number approximately 63,000; teachers and other personnel about 6,500, which equals about 5 per cent of the work force in Iceland.

174. In 1991 there were 220 basic schools in Iceland with 42,000 students. Half of these schools had 100 or fewer students in attendance. The largest schools had over 1,000 students. Twenty-eight schools boarded part of their students. At one time, in sparsely populated districts, school was taught by travelling teachers. However, that practice was discontinued. In some rural locations there are small branches operated by other schools.

175. There are 62 intermediate schools in Iceland with over 15,000 students. They offer various curricula - academic, technical or a combination of the two - and others more specialized. Intermediate schools offer:

(a) Four-year academic curricula variously with focus in the humanities and sciences. Students graduate with an intermediate school certificate that gives them the right to admission to university;

(b) Three- to four-year trade schools that usually lead to a journeyman's certificate after an apprenticeship under a master in the trade;

(c) Two-year curricula - e.g., in business school or health care;

(d) One-year curricula - e.g., for training as a machine attendant.

Twenty intermediate schools provide room and board for their students.

176. At 15 intermediate schools there are departments for evening adult classes. To meet the need for occupational training in rural areas, a system is being developed for mobile schools. Five intermediate schools are currently organizing such adult education.

177. The University of Iceland was founded in 1911 by consolidating schools for the clergy, doctors and lawyers and creating a department of philosophy. Currently there are nine departments. Studies are offered at both undergraduate and graduate levels. Graduate studies are offered only at the University of Iceland and only up to a master's degree. However, it is possible to submit a doctoral dissertation. Law No. 13/1990 applies to the University of Iceland. It is located in Reykjavik. The University of Iceland was for a long time the only institution of higher education in the country but that has changed in the last few years. In 1986 a university was established in Akureyri, the second largest town in Iceland (cf. Law No. 51/1992). The two universities offer general university education. Other schools provide specialized university-level training: the Iceland Teachers' Training College under Law No. 29/1988, the Agricultural College in Hvanneyri (Department of Agricultural Sciences) under Law No. 55/1978 and the Iceland Technical College (for technology and health technicians) under Law No. 66/1972. In addition schools offer one- to two-year university-level curricula related to occupations - e.g., the Co-operative College in Bifrost (Department of Management) and the Computer College of the Commercial College of Iceland, the Icelandic School of Arts and Crafts, the Reykjavik College of Music, the Dramatic Academy of Iceland, the Icelandic College for Preschool Teachers and the Icelandic School for Teachers of the Mentally Retarded.

178. As stated before, 10 per cent of the yearly State budget allocation for schools is usually earmarked for construction of basic and intermediate schools. It is estimated that 500 to 600 classrooms are needed to meet the demand for all-day basic schools. A few new intermediate schools have been built in the last few years, but facilities in a few of them need improvement. The current stringency of State budgets curtails all such projects.

179. The University of Iceland has run a lottery for 20 years to defray costs of construction. The Ministry of Education's budget includes an allocation for development of the new university campus in Akureyri. Dormitories for married students are financed by the National Fund for Subsidized Apartments.

180. Students in grades 1 to 7 (aged 6 to 12) attend school on their own if they live within walking distance of school, or are driven daily to and from school. In the least populated districts students in the highest grades have to attend boarding schools or reside with local families near the school. Some intermediate schools provide room and board for their students.

181. Parents may request that their child be admitted to a school outside their neighbourhood, but they must then pay for their child's transportation between school and home.

182. Most basic schools are in session for nine months, from 1 September until 31 May. One fourth of basic school students in rural areas attend school for shorter periods - eight or eight and a half months. Twenty-three hours of instruction per week are provided to the lowest grades,

while higher grades receive 35 hours of instruction per week. Basic schools work in accordance with a core curriculum published by the Ministry of Education as an operating framework.

183. The curriculum in intermediate schools is divided into courses of study, each course being rated at a certain number of units. Most schools are organized around a step system where each subject is split into steps. Each step is gauged for one semester of instruction and is worth a certain number of units. In most schools one semester comprises 13 weeks of classes and two weeks of tests. Each student carries, on average, a 12- to 18-unit load per semester (minimum is nine units). The intermediate schools follow a curriculum set by the Ministry of Education. The curriculum outlines each course of study and course stages.

184. The university year runs from 1 September to 31 August. It is split into two terms, the fall term from 1 September till 20 December, and the spring term from 10 January till 31 May.

5. Equal access to education in practice

185. According to Article 1 of Law No. 49/1991 on Basic Schools, all children have the right to attend school. According to Article 16 of the Law No. 57/1988 on Intermediate Schools all youths who fulfil the entrance requirements have the right to begin studies at intermediate schools. According to Article 21 of Law No. 131/1990 on the University of Iceland everyone who fulfils the university's entrance requirements has the right to admission there.

(a) Men versus women

186. Article 7 of Law No. 55/1974 on the School System states that women and men shall be treated equally in all aspects of work in schools. The law applies equally to teachers and students. Law No. 28/1991 on the Equal Status and Equal Rights of Women and Men decrees that men and women be guaranteed equal opportunity to education. Taking school attendance at all levels into account there are nearly equal numbers of men and women (see section 3 above).

(b) Vulnerable and disadvantaged groups

187. The total number of hours taught varies in different parts of Iceland. Fewer hours are taught in some rural districts. A student's personal finances should have no effect on compulsory education (cf. Article 9 of Law No. 55/1974). Students are supported by Treasury funds if their financial difficulties adversely affect their studies. However, as soon as compulsory schooling is finished, personal finances can affect studies at the intermediate school level, although the cost of school, as such, is an unlikely source of hindrance. Entrance fees are US$ 100 to 200, and students themselves have to pay for school books and supplies.

188. Article 54 of Law No. 49/1991 on Basic Schools and Article 30 of Law No. 57/1988 on Intermediate Schools require that education and appropriate training be provided to handicapped students (see section 1(a) above). In the last decades school facilities for the handicapped have greatly improved, but

there is still a long way to go before the handicapped can attain truly equal education. Some, for example, have to attend special schools that are quite far from their homes; in some of these schools students receive only 15 to 20 hours of instruction per week.

189. Children who do not speak Icelandic, have a limited command of the language or specific learning disabilities are entitled to receive special education in their schools. There is more need for these classes than there is funding to provide them.

(c) Government measures to guarantee equal access to education

190. As stated above everyone should have equal opportunity for basic and intermediate schooling so far as cost is concerned.

191. Law No. 21/1992 concerning Student Loans aims at ensuring that all university students have an opportunity for education without regard to personal finances.

(d) Linguistic facilities

192. Classes are taught only in Icelandic. Immigrants to Iceland are few.

6. Conditions for teaching staff

193. Teachers' salaries are below the average salary of public employees and have been for some time. Public employees' salaries are much lower than those paid for comparable positions in the private job market. At the university level teachers have a right to paid sabbaticals, receiving a year's sabbatical for every six years of teaching. Teachers are unionized. There are two unions for basic and intermediate school teachers: the Teachers' Association of Iceland and the Icelandic Teachers' Union. University teachers belong to other unions.

194. Working conditions in schools have improved in the last few years as regards books, equipment and work space for teachers to prepare classes while at school.

195. More is expected of teachers today than previously. They are expected to play a greater parental role, and now ministering to all members of the class and helping those with special learning and/or psychological problems are more heavily emphasized than before. In order to meet this need the Iceland Teachers' Training College has started a tele-teaching programme in special education for teachers. Today's teachers have to keep up with developments in teaching theory and techniques. The Iceland Teachers' Training College offers many special seminars every year which have been well attended by teachers (particularly basic school teachers).

196. Schools are paying more attention to internal management than they used to. New job titles are appearing in intermediate schools, such as "supervising teacher", "subject supervisor" and "area supervisor".

197. From the parents' viewpoint, teachers are not well enough paid and have too heavy a load because the student-teacher ratio is too high, and school is taught in double sessions. Consequently, some students do not receive the attention they need. Also, teachers sometimes have to produce the teaching materials they need for their students.

7. Non-Government schools

198. There are no purely private basic schools in Iceland although a few basic schools are run by private parties. These schools receive substantial support from the Government, but students also pay attendance fees. The same is true for a few intermediate and university-level schools. A large share of operating costs, inter alia all salaries, are paid by the Government.

199. Unions, institutions and associations are permitted to establish and run private schools, but the founding of private basic and intermediate schools requires a permit from the Ministry of Education. Such schools have no right to funds from the State Treasury. Private basic schools must adhere to the general rules on compulsory education. The same laws, regulations, curriculum, supervision and information duties apply to all basic schools. All parents may apply to private schools for their children's education; however, admission is entirely up to the schools.

200. No law prohibits establishing a private college without the Government's involvement. Such a college, on the other hand, would have no entitlement to Government funds. Therefore, its chances for survival would be slight.

8. Changes negatively affecting equal access to education

201. Not applicable.

9. Role of international assistance in equal access to education

202. None.

Article 14

203. As stated above all compulsory education is free. Students aged 6 to 16 must attend school. All Icelandic students complete 10 years of education unless they are so psychologically or physically handicapped that they cannot go to school. All handicapped students have the right to appropriate education.

Article 15

1. Legislative and other State measures

204. The Constitution guarantees freedom of the press and forbids censorship. It is also considered to guarantee freedom of expression in general, especially freedom of religion, freedom of association for lawful purposes and freedom of assembly.

205. It is the policy of the Government of Iceland to foster and strengthen Icelandic arts and culture and promote public access to any and all culture and arts. The Government's cultural supervisor is the Minister of Education. These cultural goals are pursued through public agencies and Government grants to institutions and individuals.

206. Icelandic culture is emphasized because of Iceland's unique cultural history, geographical location and small population. Public institutions, such as the National Gallery of Iceland and the Icelandic Film Fund, disseminate information on the cultures of other countries. Private cultural associations also perform an important role in this regard.

(a) Funds for cultural development

207. Government contributions play an important part in making culture available to the general public. Such contributions come in various forms: national and municipal institutions and grants to associations or individuals. This public function is authorized by law.

208. Law No. 50/1976 on Public Libraries states that all municipalities shall have a public library, and that the library should be a public centre for culture, information and recreation. Libraries should provide access to books and other media, such as records and tapes. Libraries should also be in hospitals, long-term care facilities and prisons. Municipalities are to operate public libraries. The State Treasury pays a specified sum to the Icelandic Writers' Fund for use of books by Icelandic authors in public libraries. The public can borrow books from libraries for a modest fee. Various special libraries should be mentioned such as the National Library of Iceland, under the auspices of Law No. 38/1969, which has the special duty of collecting and preserving Icelandic and foreign works and conducting research. The Icelandic Library for the Blind, under Law No. 35/1982, is charged with providing library services for the blind, the sight-impaired and others who cannot avail themselves of ordinary printed matter, e.g., by publishing talking books and books printed in Braille. The costs of operation are paid from Government appropriations.

209. Law No. 107/1970 on Community Centres addresses municipal grants for construction of community centres. According to the Law, all public groups are to have facilities for holding meetings and pursuing other community activities. Part of the entertainment tax is earmarked for the Cultural Fund for Community Centres to support cultural activities both inside and outside the community centre. The intent is to strengthen cultural activity and the public's cultural participation throughout Iceland (cf. regulation No. 296/1990).

210. The National Gallery of Iceland (Law No. 58/1988), the National Theatre of Iceland (Law No. 58/1978), the Icelandic Film Archive (Law No. 94/1984), the Iceland Symphony Orchestra (Law No. 36/1982), the National Museum of Iceland (Law No. 88/1989) and the Icelandic National Broadcasting Service are all public institutions with a mandate to further the arts in Iceland and increase the public's opportunity to enjoy culture and art. Access is either free or substantially subsidized. The Icelandic National Broadcasting Service is financed through subscription fees and advertisements. All of the above

institutions, in their own way, have campaigned for the cultivation of Icelandic arts and for the preservation of Icelandic culture and the public's awareness of it.

211. Various public funds were established to further the arts in Iceland. Contributions from the Public Buildings Art Fund (Law No. 71/1990) are allocated to beautify public buildings and their surroundings with works of art and provide artists thereby with work and the public with art to enjoy. The Icelandic Film Fund (Law No. 94/1984) supports production of Icelandic cinema and dissemination of information about Icelandic films. The Translation Fund (Law No. 35/1981) finances translation of foreign literature into Icelandic. The Fund for Promoting Icelandic Literature Abroad (Regulation No. 456/1982) supports dissemination of information about Icelandic literature abroad, for example through translations of Icelandic works into other languages. The Cultural Fund's mandate (Law No. 50/1957) is to strengthen Icelandic culture through support of the arts and sciences. The House Preservation Fund (Regulation No. 316/1990) has the task of preserving and maintaining houses and other structures that have been declared historic, architectural landmarks. Finally, private individuals can apply to the Humanities Department of the Icelandic Science Foundation for research grants in fields such as history of art and culture (cf. Law No. 48/1987).

212. Law No. 35/1991 on Artists' Salaries provides for artists' salaries, school and travel stipends from four funds: Authors' Fund, Painters' Fund, Composers' Fund and Arts Fund. This last fund is a general one, although half of it is earmarked for actors. Yearly contributions vary with appropriations in the national budget.

213. Law No. 33/1977 on the Dramatic Arts deals generally with the dramatic arts in Iceland. It provides that the Government shall operate the National Theatre of Iceland (Law No. 58/1978) and the Dramatic Academy of Iceland (Law No. 37/1975), as well as contribute money to amateur theatre companies and opera. There are amateur theatre companies all over Iceland that are funded out of consideration for the cultural importance of the works - mostly Icelandic - they perform. The municipalities where amateur theatre groups are based are required to match contributions from the State.

214. The Ministry of Education sponsors visits by artists to schools that give children the opportunity to watch artists at work.

215. The Ministry of Education funds dissemination of information abroad about the arts in Iceland and individual projects.

(b) Institutional infrastructure

216. Public libraries, community centres, amateur theatre companies and municipal museums are distributed throughout Iceland. Their role is to share art and culture and encourage the public to become involved in them. There are laws providing a framework for the purpose and funding of all of the efforts described above, but initiative lies with the townspeople. They

receive funding for their projects from the State and municipalities. So called C-festivals have developed that are local cultural festivals organized by community residents with professional and financial assistance from the Ministry of Education.

217. The Reykjavik Arts Festival is held every other year with a programme featuring both Icelandic and foreign artists. Admission fees are subsidized, thus making it possible for the public to enjoy the work of many world-famous artists.

218. The Iceland Symphony Orchestra and National Theatre of Iceland are located in Reykjavik; however, it is duty under law to perform in all parts of the country, and they do so to a certain extent.

219. There has been some discussion of cooperation between the National Gallery of Iceland and the Akureyri Art Gallery and the Iceland Symphony Orchestra and the Akureyri Chamber Orchestra.

220. The Ministry of Education supervises cultural issues. It receives applications from many associations for funds or support. Examples include the Handicrafts Association of Iceland (emphasizes Icelandic woollen garments), the Reykjavik Folk-Dance Society, the Idunn Traditional Poetry Society (practices and preserves the traditional forms of Icelandic poetry and songs), the Cultural Associations of Northern and Southern Iceland, the Association of Icelandic Choirs, the Association of Icelandic Brass Bands and the Icelandic Opera.

(c) Promotion of cultural identity

221. Iceland has a relatively homogeneous heritage and a small population compared to other nations. Special effort has therefore been made to preserve the Icelandic language and the unique character of Icelandic culture. One example is the Icelandic Language Centre (Law No. 2/1990).

(d) Ethnic groups and minorities

222. Does not apply.

(e) Role of mass media

223. Until 1986 the Icelandic National Broadcasting Company had a legal monopoly on radio and television broadcasting, but today others can be granted a broadcast licence. Much has changed in the mass media in the last decade. The Icelandic National Broadcasting Company has a special duty to cultivate the Icelandic language, the nation's history and its cultural heritage. It also has an obligation to honour basic democratic values and human rights, freedom of speech and freedom of opinion (Law No. 68/1985).

(f) Mankind's cultural heritage

224. Iceland's most important contribution to world culture is the manuscripts of ancient Icelandic literature, their preservation, research on them and dissemination of information about them (Law No. 70/1972 on the Arnamagnean Institute of Iceland).

225. The Law Declaring Thingvellir a National Park (No. 59/1928) should also be mentioned.

(g) Freedom of artistic creation and performance

226. Article 32 of the Constitution guarantees freedom of the press and forbids censorship. However, persons must bear responsibility for their writings before the courts (cf. legislation on slander and libel and prohibition of pornography (Chapter XXV and Article 210 of the General Penal Code No. 19/1940).

227. It is prohibited to show and produce violent films (Law No. 33/1983) and to exhibit pornography (Article 210 of the General Penal Code No. 19/1940).

(h) Education in culture and art

228. All art schools in Icelandic are supported by the Government - the Dramatic Academy of Iceland (Law No. 37/1975), music schools (Law No. 75/1985), the Icelandic School of Arts and Crafts (Law No. 38/1965), the Icelandic Dance Academy (Regulation No. 638/1991). There is a plan to consolidate all of these schools into one State school of arts. Also, the Department of Philosophy at the University of Iceland offers many courses related to the arts and culture.

(i) Other measures

229. Archaeological research (Law No. 88/1989).

230. As regards negative factors, people in rural areas have fewer possibilities to enjoy the arts than people in the capital. One reason for this is that cultural organizations have tended to focus their efforts less on dissemination of information about art than on other activities. Due to widely disbursed communities and variously adequate facilities in rural areas, Government appropriations have been inadequate to pay costs. The purpose of the cooperation mentioned previously between the National Art Gallery and the Akureyri Art Gallery and the Iceland National Symphony and the Akureyri Chamber Orchestra is to increase the number of musical events outside of Reykjavik. Moreover, cultural organizations increasingly focus their resources on disseminating information on the arts throughout Iceland. However, too much still depends on efforts by the local communities. Local townsmen who are enterprising art lovers are needed to organize activities for the arts, but are not always available or too few. The strain on them can be great.

2. Benefits of scientific progress and its applications

231. Law No. 48/1987 deals with the fostering of Icelandic scientific research and regulates the functions of two organizations: the National Science Council (NSC) and the National Research Council (NRC). The mandate of NSC is to further scientific research in Iceland, to gather knowledge and understanding of man's nature and environment and prepare for successful utilization of natural resources. The NSC should advise public officials, grant stipends for research from the Icelandic Science Fund, collect reports on scientific research done in Iceland, operate an information service on scientific research and encourage collaboration between researchers. The NSC can also publish and distribute scientific monographs, although it does no publishing at this time. The NSC communicates with its counterparts abroad on behalf of Iceland. The NSC and NRC are independent agencies working under the auspices of the Ministry of Education. The State Treasury pays their operating costs. The NRC is an advisory body that supports applied research in the natural sciences, on technology and natural resources of the earth and oceans. It should advise public officials on all matters pertaining to applied research and development efforts on behalf of industry, including State contributions to those development efforts. The NRC should also propose policies on the aims of applied research and industrial development and supervise the work and organization of laboratories doing research in this area. It allocates grants to individuals, companies and research laboratories. It is responsible for disseminating information on research projects. The NRC communicates with its counterparts abroad on behalf of Iceland. Anyone can apply for funds to do research in the fields of technology and science.

232. Various research organizations conduct research and disseminate information about it. They are all public agencies, but answer to their own boards and increasingly have independent finances as well as Government appropriations. The Icelandic Museum of Natural History is one of these. Its role is, among other things, to conduct research on the biosphere of Iceland and build up a museum that gives the public an overview of it (Law No. 48/1965). Industrial research laboratories have the job of examining Iceland's natural resources and finding ways to best utilize, yet protect, them. Examples of such agencies are the Marine Research Institute, the Agricultural Research Institute, the Icelandic Fisheries Laboratories and the Building Research Institute of Iceland. These organizations provide many kinds of service and assistance to public officials and the public, to companies and individuals (Law No. 64/1965). The public also resorts frequently to the scientific laboratories at the University of Iceland for answers to a broad range of queries. The same is true of the Technological Institute of Iceland (Law No. 41/1978), whose role is to work on technological development and increased productivity in Icelandic industry. The Department of Engineering and Science at the University of Iceland provides education and information in the area of science and technology. The University is open to all for studies, and people can also attend lectures there even though they are not enrolled as students. Under the auspices of the University, various scholars, both Icelandic and foreign, give lectures that are advertised and open to the public. Also the University holds an Open House every year that has been well attended; the public has an opportunity to tour University facilities and find out what goes on there.

233. In 1990 the Ministry of the Environment was established, showing Iceland's increased concern for its natural heritage.

(a) Diffusion of information on scientific progress

234. (See the previous section). The public can read the yearly reports published by the organizations described above. People have access to books and magazines on scientific subjects in the public libraries, although such materials are probably limited. Some magazines and books are sold in stores. Programmes on technology and science are often on the radio and in newspapers, but not structured as series. There is an increasing amount of Icelandic material in these programmes. The University of Iceland has sponsored a programme series on Icelandic research.

(b) Preventive measures

235. Law No. 121/1989 on Recording and Handling of Personal Information is a product of the computer age. There are also rules of ethics for doctors and other health care personnel.

(c) Restrictions on rights under Article 15

236. Law No. 12/1923 on Patents.

237. The military importance of technological development can affect the public's access to its benefits. One example is the navigational technology that is based on satellites put into orbit and used by the United States military. Icelanders also utilize the satellites for navigation in the air, on the sea and on the land.

3. Protection of benefits from intellectual resources

238. Law No. 73/1972 on Authors protects an author's right of ownership in his work in any form that it is published. An author has a right to make copies of his works and to publish them in their original or a revised form.

239. Icelandic law also protects moral rights (droit moral) of authors, performing artists and computer programmers. These moral rights obligate others not to distort an author's work and to give the author credit for the work whenever it is published.

240. Icelandic law also guarantees an author's supplementary right (droit de suite), entitling him to a certain payment when his work is resold in a commercial transaction such as at an auction or in a gallery.

241. Moreover, the law protects an author's right to have access to his work (droit d'accés) to derive a benefit from it - for example, to photograph it so he can print it or publish a picture of it in a book.

242. Authors of works that have been broadcast or published as a sound recording are entitled to receive a special royalty for the recording of their work (blank tape levy). The public must pay a fee on sound recording equipment and pre-recorded video cassettes as well as blank audio- and

video-tapes purchased for private use. Justification for the fee lies in how difficult it is to prevent copying, and the fee is a remedy of sorts for authors and performers of these works.

243. Authors also receive a payment from the Icelandic Writers' Fund for the lending of their works in public libraries.

244. Ever-increasing foreign content in the mass media create special cultural problems for a small country with its own language. Icelandic television has a duty to broadcast all foreign material with translated text.

245. It has proved difficult to preserve authors' rights with regard to the video market. It is thought that 40 to 50 per cent of the market is illegal.

246. Furthermore, the same problems exist in Iceland as elsewhere with technological development making enforcement of authors' rights ever more difficult. Icelandic law protecting authors' rights is, however, among the most advanced Europe.

247. Scientific discoveries are protected only under the Patent Law No. 12/1923; however, general copyright extends to scientific writings as well. Although no provisions are expressly on that point, reference would most likely be made to rules for authors. Legislation for authors has addressed the protection of computer programs.

248. Patents are very expensive and competition is great, and, therefore, a question arises whether patents provide any real protection.

4. Government protection

249. The Constitution guarantees the freedoms of creation and expression. Reference is made to the foregoing discussion of the educational system and dissemination of information. It should be noted that the educational system has laid greater emphasis in recent years on environmental issues.

5. Legal, administrative and judicial systems

250. The University of Iceland and other research organizations described above are legally independent entities with their own board of directors, but financed with State funds. Copyrights are protected by law and the Constitution guarantees freedom of expression and opinion.

251. The Constitution guarantees freedom of association and expression. The University of Iceland answers to its own board of directors as do the National Research Council and National Science Council, as mentioned previously. Most of their operating costs are borne by the State Treasury.

252. The major artists' associations are the Association of Composers and Owners of Performance Rights (ACOPR), the Association of Performing Artists and Record Manufacturers, the Icelandic Musicians' Union, the Association of Icelandic Artists, the Icelandic Writer's Union, the Icelandic Actors' Association, the Icelandic Ballet Dancers' Association, the Icelandic Film Makers' Association and the Union of Icelandic Artists. All of these

associations are rather strong and financially independent. The ACOPR bills the statutory fees for its members' performances of works and receives part of the fees to defray its operating expenses. The Writers' Union and Artists' Association have the same arrangement. The Artists' Association also supervises the Public Buildings Art Fund under a special agreement with the Ministry of Education and is remunerated for the service. Fees from the resale of art (droit de suite) are deposited in the Artists' Salary Fund. Fees for the reuse of art are billed by the Icelandic Artists' Fund. The organized interest group, Fjolís, receives the fees that are invoiced for photocopying of works in schools.

253. There is considerable cooperation in the arts between Government administration and artists' associations - for example, regarding councils and committees that the Ministry of Education appoints to write or review legislation affecting artists. The artists' associations often advise the Ministry.

254. As mentioned before, various funds support artists' projects or pay artists' salaries.

255. Artists' associations and their umbrella associations are commonly parties to the pertinent international associations.

256. There are no restrictions on the convening of local or international conferences on artistic or scientific subjects, and application for funds is frequently made to the relevant ministry.

257. The Reykjavik Arts Festival has the task, inter alia, of exposing foreign artists to Icelandic art and vice versa.

258. Icelandic artists collaborate with one another a lot, and Icelandic scientists increasingly participate in international collaboration, particularly with other Nordic countries. Collaboration with other countries in Europe is growing. Icelandic scientists have quite good relationships in this regard in spite of the obvious difficulties accompanying the country's smallness and geographical location.

6. Government encouragement of international contacts and cooperation

(a) Utilization of facilities

259. In cultural and scientific fields in Iceland there is collaboration with various foreign countries and international organizations. Nearly all cooperation has traditionally been with the Nordic countries - e.g., through the Nordic Advisory Committee on Legislative Development, Nord-Plus (cultural programme) and Nordita (scientific programme). Iceland is a member of the International Atomic Energy Agency and cooperates a great deal with the Food and Agriculture Organization of the United Nations and the World Intellectual Property Organization. Iceland works with many other organizations as well. It is not, however, possible to participate in all international cooperative efforts, and, therefore, only the areas deemed most important are chosen.

260. Iceland is party to various international conventions and accords dealing with the arts and sciences. Some examples include the Nordic Cultural Cooperation Convention of 15 March 1971, the European Cultural Convention of 19 December 1954, the Bern Convention for the Protection of Literary and Artistic Works, of 2 June 1928, the Agreement of 13 February 1969 Establishing the European Molecular Biology Conference and the Framework Agreement between Iceland and the European Economic Community of 30 October 1989 for Scientific and Technical Cooperation.

(b) Participation by scientists, artists, writers and others

261. Grants for travel are made from the Cultural Fund, the Icelandic Science Foundation and the Ministry of Education.

7. Policy changes during the reporting period having negative impact

262. None.

8. References to other Government reports

263. None.

9. Role of international assistance

264. Iceland probably derives more benefit from its membership in international cooperation projects than it contributes. A few Icelandic research laboratories have received grants from foreign parties for expansion or selected projects. The Nordic Volcanological Institute is located in Iceland.